

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

| | | |
|--|---|----------------------------|
| Victor O. Jones, Jr., |) | C/A: 6:17-cv-02486 BHH KFM |
| |) | |
| Plaintiff, |) | |
| |) | <u>ORDER</u> |
| vs. |) | |
| |) | |
| Wells Fargo Bank NA, Government National |) | |
| Mortgage Association as Trustee for Ginnie Mae |) | |
| Remic Trust 2006-026, John Does, 1-100, |) | |
| |) | |
| Defendants. |) | |
| |) | |

This is a civil action filed by a *pro se* litigant. Under Local Civil Rule 73.02(B)(2) (D.S.C.), pretrial proceedings in this action have been referred to the assigned United States Magistrate Judge.

PAYMENT OF THE FILING FEE:

The plaintiff has paid the full costs associated with filing this action.

TO PLAINTIFF:

This case is not in proper form for service at this time with respect to John Does 1–100. **If the plaintiff does not bring this case into proper form within the time permitted by this order, these defendants may be dismissed for failure to prosecute and failure to comply with an order of this Court under Rule 41 of the Federal Rules of Civil Procedure.**

Under General Order *In Re: Procedures in Civil Actions Filed by Non-Prisoner Pro Se Litigants*, No. 3:07-mc-5015-JFA (D.S.C. Sept. 18, 2007), the undersigned is giving the plaintiff **twenty-one (21) days** from the date this order is entered (plus three days for mail time) to:

- (1) The plaintiff **must** provide, and is responsible for, information sufficient to identify all John Doe defendants on a summons. This information does not have to be the proper name of the intended defendant if the plaintiff can provide other identifying information such as the shift the person works, his/her physical description, the date on which the alleged incident occurred, etc. that gives additional information to conduct further investigation into the identity of the intended defendant. A summons containing only generic and/or collective “names” rather than the name of a specific “person” does not provide sufficient information to serve the complaint. If the plaintiff

desires to keep these unidentified persons in this case, he must provide information sufficient to identify them on the summons. The defendants who are not served may be dismissed as parties to this case. See Fed. R. Civ. P. Rule 4.¹ Additionally, complete a separate summons form for the Attorney General of the United States and a separate summons form for the United States Attorney for the District of South Carolina.²

On the summons, in the space following "TO: (the defendant's name and address)," the plaintiff is required to provide a complete name and a full address where the defendant can be served pursuant to Rule 4 of the Federal Rules of Civil Procedure. The plaintiff's complete name and full address must be provided in the blank section following "plaintiff or plaintiff's attorney, whose name and address are . . ." Handwritten information must be printed and legible. **Nothing else should be written by the plaintiff on either the front or back of the summons or in the margins.** If it is necessary to list additional defendants whose names and street addresses do not fit in the space on the summons form preceded by "TO: (Name and address of the defendant)," the plaintiff must attach an additional page of letter-sized (8½ inches by 11 inches) paper listing additional defendants and service addresses. Blank forms are attached for the plaintiff's use.

No process shall issue with respect to these defendants until the items specified above have been reviewed by the assigned Magistrate Judge.

The plaintiff must place the civil action number listed above on any document provided to the Court pursuant to this order. **Any future filings in this case must be sent to the address below (300 East Washington Street, Room 239, Greenville, South Carolina 29601).** All documents requiring the plaintiff's signature shall be signed with the plaintiff's full legal name written in the plaintiff's own handwriting. *Pro se* litigants shall not

¹The plaintiff's attention is directed to Rule 4(m) of the Federal Rules of Civil Procedure, which provides that unless a defendant is served within 90 days after the complaint is filed, this court may dismiss an action without prejudice as to that defendant. Case law interpreting Rule 4(m) or its predecessor, Rule 4(j), has held that a complaint must be dismissed, absent a showing of good cause, if the complaint is not served within 90 days after it is filed. See *Mendez v. Elliot*, 45 F.3d 75, 78-80 (4th Cir. 1995) (collecting cases). As a result, the plaintiff must be mindful of this time limitation and diligent in obtaining identifying information and submitting service documents for the John Does if he desires to serve them in this case.

² The mailing address of the United States Attorney for the District of South Carolina is as follows: 1441 Main Street, Suite 500, Columbia, South Carolina 29201. The mailing address of the Attorney General of the United States is as follows: Department of Justice, Room B-103, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530-0001.

use the "s/typed name" format used in the Electronic Case Filing System. In all future filings with this Court, the plaintiff is directed to use letter-sized (8½ inches by 11 inches) paper only, to write or type text on one side of a sheet of paper only and not to write or type on both sides of any sheet of paper. The plaintiff is further instructed not to write to the edge of the paper, but to maintain one inch margins on the top, bottom, and sides of each paper submitted.

The plaintiff is a *pro se* litigant. The plaintiff's attention is directed to the following important notice:

You are ordered to always keep the Clerk of Court advised in writing (300 **East Washington Street, Room 239, Greenville, South Carolina 29601**) if your address changes for any reason, so as to assure that orders or other matters that specify deadlines for you to meet will be received by you. If, as a result of your failure to comply with this order, you fail to meet a deadline set by this Court, your case may be dismissed for violating this order. Therefore, if you have a change of address before this case is ended, you must comply with this order by immediately advising the Clerk of Court in writing of such change of address and providing the Court with the docket number of all pending cases you have filed with this Court. Your failure to do so will not be excused by the Court.

TO THE CLERK OF COURT:

The Clerk of Court shall mail a copy of this order and the proper form documents to the plaintiff. If the plaintiff fails to provide the items specified above to the Clerk of Court within the period prescribed in this order, the Clerk of Court shall forward the file to the assigned United States Magistrate Judge for a recommendation. See *In Re: Procedures in Civil Actions Filed by Non-Prisoner Pro Se Litigants*, No. 3:07-mc-5015-JFA. If, however, the plaintiff provides this Court with the items specified above, the Clerk of Court should forward the file to the assigned magistrate judge to determine if service of process should be authorized.

The Clerk of Court shall not enter any change of address submitted by the plaintiff that directs mail be sent to a person other than the plaintiff unless that person is an attorney admitted to practice before this Court who has entered a formal appearance.

IT IS SO ORDERED.

October 20, 2017
Greenville, South Carolina

s/ Kevin F. McDonald
United States Magistrate Judge

The plaintiff's attention is directed to the important WARNING on the following page.

IMPORTANT INFORMATION—PLEASE READ CAREFULLY**WARNING TO PRO SE PARTY OR NONPARTY FILERS**

All documents that you file with the court will be available to the public on the internet through PACER (Public Access to Court Electronic Records) and the court's Electronic Case Filing System. **CERTAIN PERSONAL IDENTIFYING INFORMATION SHOULD NOT BE INCLUDED IN OR SHOULD BE REMOVED FROM ALL DOCUMENTS BEFORE YOU SUBMIT THE DOCUMENTS TO THE COURT FOR FILING.**

Rule 5.2, Fed. R. Civ. P., provides for privacy protection of electronic or paper filings made with the court. Rule 5.2 applies to **ALL** documents submitted for filing, including pleadings, exhibits to pleadings, discovery responses, and any other document submitted by any party or nonparty for filing. Unless otherwise ordered by the court, a party or nonparty filer should not put certain types of an individual's personal identifying information in documents submitted for filing to any United States District Court. If it is necessary to file a document that already contains personal identifying information, the personal identifying information should be "**blacked out**" or **redacted** prior to submitting the document to the Clerk of Court for filing. A person filing any document containing their own personal identifying information **waives** the protection of Rule 5.2(a) by filing the information without redaction and not under seal.

1. Personal information protected by Rule 5.2(a):

(a) Social Security and Taxpayer identification numbers. If an individual's social security number or a taxpayer identification number must be included in a document, the filer may include only the last four digits of that number.

(b) Names of Minor Children. If the involvement of a minor child must be mentioned, the filer may include only the initials of that child.

(c) Dates of Birth. If an individual's date of birth must be included in a document, the filer may include only the year of birth.

(d) Financial Account Numbers. If financial account numbers are relevant, the filer may include only the last four digits of these numbers.

2. Protection of other sensitive personal information – such as driver's license numbers and alien registration numbers – may be sought under Rule 5.2(d)(Filings Made Under Seal) and (e) (Protective Orders).